

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Toby Depoister,

File No. 21-cv-1794 (ECT/HB)

Petitioner,

v.

B. Birkholz, *Warden of Federal Prison Camp Duluth*, and Michael Carvajal, *Director of the Federal Bureau of Prisons*, *each in their official capacities*,

ORDER

Respondents.

Magistrate Judge Hildy Bowbeer issued a Report and Recommendation on August 30, 2021. ECF No. 9. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 9] is **ACCEPTED**.
2. The Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 [ECF No. 1] is **DENIED** without prejudice.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 5, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court